

GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS**DEPARTMENT OF ENVIRONMENTAL AFFAIRS**

NO. 701

06 JULY 2018

**NATIONAL ENVIRONMENTAL MANAGEMENT: WASTE ACT, 2008
(ACT NO. 59 OF 2008)****PROPOSED AMENDMENTS TO THE NATIONAL WASTE INFORMATION REGULATIONS, 2012**

I, Bomo Edna Edith Molewa, Minister of Environmental Affairs, hereby give a notice of my intention to make amendments to the National Waste Information Regulations, 2012, under section 69(1)(t), (y), (aa) and (ee) read with section 73 of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008), set out in the Schedule hereto.

Members of the public are invited to submit written representations on or objections to the proposed amendments to the Minister, within 30 days after the publication of this Notice.

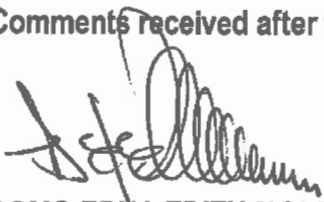
By post to: The Director-General
 Department of Environmental Affairs
 Attention: Mr Anben Pillay
 Private Bag X447
 PRETORIA
 0001

By hand at: Reception, Environment House, 473 Steve Biko Road, Arcadia, Pretoria, 0083

By email: apillay@environment.gov.za

Any inquiries can be directed to Mr Anben Pillay at Tel: 012 399 9827

Comments received after the closing date may not be considered.



**BOMO EDNA EDITH MOLEWA
MINISTER OF ENVIRONMENTAL AFFAIRS**

SCHEDULE

GENERAL EXPLANATORY NOTE:

[] Words in bold type in square brackets indicate omissions from the existing enactments.

_____ Words underlined with a solid line indicate insertions in existing enactments.

Definitions

1. In these regulations "the Regulations" means the National Waste Information Regulations, 2012, published under the Government Notice No. R. 625 in Government Gazette No. 35583 of 13 August 2012.

Amendment of regulation 1 of the Regulations

2. Regulation 1 of the Regulations is hereby amended —

(a) by the deletion of the definition of **"these Regulations"**; and

(b) by the insertion after the definition of **"The Act"** of the following definitions:

"Transporter of waste for gain" means a person who is in the business of transporting waste and receives an income for provision of such services, including waste that is transported as an ancillary activity to primary business activities, excluding when the transportation is done by a municipality; and

"Vehicle registration certificate" means a certificate issued by the Department for a vehicle registered on the South African Waste Information System which is used to transport waste for gain;".

Amendment of regulation 3 of the Regulations

3. Regulation 3 of the Regulations is hereby amended by the addition of the following subregulation:

"(4) These regulations do not apply to residue stockpiles or residue deposits."

Amendment of regulation 4 of the Regulations

4. Regulation 4 of the Regulations is hereby amended by the addition of the following subregulation:

"(2) Information held in the SAWIS about registered person may only be accessed by other registered persons."

Amendment of regulation 5 of the Regulations

5. Regulation 5 of the Regulations is hereby amended—

(a) by the substitution for subregulation (3) of the following subregulation:

"(3) Where a person referred to in subregulation (1) [(a)] conducts more than one activity in different facilities or in the same facility, such activities must be registered individually; and

(b) by the addition of the following subregulations:

“(5) A person registered as a transporter of waste for gain must within 30 days from the date of registration contemplated in subregulation (2), add the details of the vehicle used for transportation of waste for gain on the SAWIS, in order to receive a vehicle registration certificate.

“(6) The vehicle registration certificate issued in terms of regulation 5(4) is valid for a period of three years from the date of issue of registration certificate.

“(7) Industry associations, are required to report and register their members in terms of Regulation 8 on the SAWIS. Such registration must include a detail list of its members.”.

Amendment of regulation 6 of the Regulations

6. Regulation 6 of the Regulations is hereby amended by the substitution for subparagraph (iii) of paragraph (a) of sub regulation (1) of the following subparagraph:

“(iii) waste management method [or], waste transporter or hazardous waste generator; and”.

Amendment of regulation 7 of the Regulations

7. Regulation 7 of the Regulations is hereby amended —

(a) by the substitution for subregulation (5) of the following subregulation:

“(5) If a person intends to recommence with an activity for which the registration was withdrawn, the person must comply with the legal requirements as set out in [regulation 6] regulation 5”; and

(b) by the addition of the following subregulation:

“(6) Any person registered as a transporter of waste for gain must within 30 days of any change occurring, update such change on the SAWIS, which includes—

(i) the addition of a vehicle registration;

(ii) the removal of a vehicle registration; or

(iii) the renewal of the vehicle registration certificate.”.

Amendment of regulation 8 of the Regulations

8. Regulation 8 of the Regulations is hereby amended—

(a) by the substitution for subregulations (1), (2), (3) and (9) of the following subregulations:

“(1) the submission of information to the SAWIS commence ninety (90) days after the end of registration period contemplated in regulation [6(1)] 5(1).

(2) A registered person conducting an activity listed in Annexure 1 must submit quarterly information as prescribed in Annexure 2, within [sixty (60)] (30) days of the end of a reporting period.

(3) Subregulations (1) and (2) does not apply to the registered generators of hazardous waste or registered transporters of waste for gain.

(9) If a registered person is not able to submit the required information to the SAWIS, a registered person must submit the required information to the Department by facsimile, post, email or hand delivery within [sixty (60)] (30) days of the end of a reporting period.”; and

(b) by the addition of the following subregulation:

“(10) Industry associations must submit annual information within (60) days from the end of a calendar year.”.

Amendment of regulation 12 of the Regulations

9. Regulation 12 of the Regulations is hereby amended by the substitution for paragraphs (a) and (b) of subregulation (1) of the following paragraphs:

“(a) provides incorrect or misleading information to the SAWIS [;] or Department; or

(b) fails to comply with regulation 4(1); 5 (1), (2), (3), (4); (6), 6(2), 7(1), (2), (3), (5), (6), 8(1), (2), (4), (5), (8), (9), (10) [and] or 9.”

Transitional provisions in respect of an activity listed in Annexure 1

10. Any person who conducts an activity listed in paragraphs (b), (c), (f), (g) or (l) of Annexure 1 is required to apply to register in terms of regulation 5 of these Regulations, within 90 days after the promulgation of these Regulations. All other registrations issued for transportation of waste in terms of Section 25 of the Waste Act will lapse after 90 days.

Substitution of Annexure 1 of the Regulations

11. Annexure 1 of the Regulations is hereby amended by the substitution for Annexure 1 of the following Annexure:

“ANNEXURE 1

LIST OF PERSONS CONDUCTING THE FOLLOWING ACTIVITIES MUST REGISTER ON THE SAWIS IN TERMS OF REGULATION 5

Generators of waste

(a) Generators of hazardous waste in excess of 20kg per day, calculated monthly as a daily average.

Recovery or recycling of waste

(b) Recovery of energy from general waste in excess of three tons per day, calculated monthly as a daily average.

(c) Recovery of waste at a facility that has the capacity to process in excess of 10 tons of general waste or in excess of 100kg of hazardous waste per day, excluding recovery that takes place as an integral part of an internal manufacturing process within the same premises.

- (d) The scrapping or recovery of motor vehicles at a facility that has an operational area in excess of 500m².
- (e) Recycling of general waste at a facility that has an operational area in excess of 500m².
- (f) Recycling of hazardous waste in excess of 100kg per day calculated as a monthly average.

Treatment of waste

- (g) Treatment of waste using any form of treatment at a facility that has the capacity to process in excess of 10 tons of general waste or 100kg of hazardous waste per day excluding the treatment of effluent, wastewater or sewerage.
- (h) Treatment of health care risk waste regardless of size or capacity of the facility.

Disposal of waste

- (i) Disposal of general waste to land covering an area in excess of 200m².
- (j) Disposal of any quantity of hazardous waste to land.

Exportation of hazardous waste

- (k) Hazardous waste exported from the Republic of South Africa.

Transportation of waste

- (l) Transportation of waste for gain, excluding when the transportation is done by a municipality.

Substitution of Annexure 2 of the Regulations

12. Annexure 2 of the Regulations is hereby amended by the substitution of Annexure 1 for the following Annexure:

“ANNEXURE 2

REPORTING REQUIREMENTS IN TERMS OF REGULATION 8

The required quarterly information for reporting to the SAWIS, read with the Annexure 1 of these Regulations must include—

- (a) The month and year to which the information applies;
- (b) Categories of waste as detailed in Annexes 3 and 4;
- (c) Source from which waste comes; and
- (d) The quantity of waste reported in tons.”.

Substitution of Annexure 3 of the Regulations

Annexure 3 of the Regulations is hereby amended by the substitution for Annexure 3 of the following Annexure:

"ANNEXURE 3

GENERAL WASTE TYPES FOR REPORTING TO THE SAWIS

LEVEL 1	LEVEL 2 - Major Waste Type		LEVEL 3 - Specific Waste Type	
	No	Name	No	Name
GENERAL WASTE	GW 01	Municipal waste	01	
	GW10	Commercial and industrial waste	01	
	GW13	Brine	01	
	GW14	Fly ash and dust from miscellaneous filter sources	01	
	GW15	Bottom ash	01	
	GW16	Slag	01	Ferrous metal slag
			02	Non-ferrous metal slag
			03	Other
	GW 17	Mineral waste	01	Foundry sand
			02	Refractory waste
			03	Other
	GW 18	Waste of Electric and Electronic Equipment (WEEE) from which hazardous components/substances have been removed	01	Large Household Appliances
			02	Small Household Appliances
			03	Office, information & Communication Equipment
			04	Entertainment & Consumer Electronics and toys, leisure, sports & recreational equipment and automatic issuing machines
			05	Lighting equipment
			06	Electric and Electronic tools
			07	Security & health care equipment
			08	Mixed WEEE
	GW 20	Organic waste	01	Garden waste
			02	Food waste
			03	Wood waste
	GW30	Construction and demolition waste	01	
GW50	Paper	01	Newsprint and magazines	
		02	Brown grades	
		03	White grades	
		04	Mixed grades	

	GW51	Plastic	01	Polyethylene Terephthalate (PET)
			02	High –density Polyethylene (HDPE)
			03	Polyvinyl Chloride (PVC)
			04	Low-density polyethylene (LPDE)
			05	Polypropylene (PP)
			06	Polystyrene (PS)
			07	Other
	GW52	Glass	01	
	GW53	Metals	01	Ferrous metal
			02	Non-ferrous metal
	GW54	Tyres	01	
	GW99	Other	01	

Substitution of Annexure 4 of the Regulations

13. Annexure 4 is hereby amended by the substitution for Annexure 4 of the following Annexure:

“ANNEXURE 4

HAZARDOUS WASTE TYPES FOR REPORTING TO THE SAWIS

LEVEL 1	LEVEL 2 - Major Waste Type		LEVEL 3 - Specific Waste Type	
	No	Name	No	Name
HAZARDOUS WASTE	HW 01	Gaseous waste	01	Gases (excluding Greenhouse gases)
			02	Obsolete ozone depleting gases
	HW 02	Mercury containing waste	01	Liquid waste containing mercury
			02	Solid waste containing mercury
	HW 03	Batteries	01	Lead Batteries
			02	Mercury batteries
			03	Ni/Cd batteries
			04	Manganese dioxide and alkali batteries
			05	Lithium & Lithium ion batteries
			06	Nickel-metal hydride batteries
			07	Mixed batteries
	HW 04	POP Waste	01	PCB containing waste (>50mg/kg)

		02	Other POP-containing waste
HW 05	Inorganic waste	01	Liquid and sludge inorganic waste
		02	Solid inorganic waste
		03	Spent pot lining (inorganic)
HW 06	Asbestos containing waste	01	Asbestos containing waste
HW 07	Waste Oils	01	Waste oil
HW 08	Organic halogenated and /or sulphur containing solvents	01	Solvents containing halogens and/or sulphur
HW 09	Organic halogenated and/or sulphur containing waste	01	Liquids and sludge containing halogens and/or sulphur
		02	Solids containing halogens and/or sulphur
HW 10	Organic solvents without halogens and sulphur	01	Solvents without halogens and sulphur
HW 11	Other organic waste without halogen or sulphur	01	Liquid and sludge organic waste
		02	Solid organic waste
		03	Spent pot lining (organic)
HW 12	Tarry and Bituminous waste	01	Tarry waste
		02	Bituminous waste
HW 13	Brine	01	Brine
HW 14	Fly ash and dust from miscellaneous filter sources	01	Fly ash
HW 15	Bottom ash	01	Bottom ash
HW 16	Slag	01	Ferrous metal slag
		02	Non-ferrous metal slag
		03	Other
HW 17	Mineral waste	01	Foundry sand
		02	Refractory waste
		03	Other
HW 18	Waste of Electric and Electronic Equipment (WEEE)	01	Large Household Appliances
		02	Small Household Appliances

			03	Office, information & Communication Equipment
			04	Entertainment & Consumer Electronics and toys, leisure, sports & recreational equipment and automatic issuing machines
			05	Lighting equipment
			06	Electric and Electronic tools
			07	Security & health care equipment
			08	Mixed WEEE
	HW 19	Health Care Risk Waste	01	Pathological waste
			02	Infectious waste and sharps
			03	Chemical waste
			04	Mixed HCRW
	HW 99	Miscellaneous	01	Miscellaneous

For mixtures, report under the waste type which represents the largest fraction of the waste under consideration. Report under a specific waste type e.g. mercury battery would be reported under mercury battery and not mercury containing waste.”.

Substitution of Annexure 5 of the Regulations

14. Annexure 5 of the Regulations is hereby amended by the substitution for Annexure 5 of the following Annexure:

“ANNEXURE 5

WASTE MANAGEMENT METHODS:

LIST OF RECYCLING, RECOVERY, TREATMENT AND DISPOSAL (R, R, T & D) CODES FOR CATEGORIZATION

Code	Description
RECYCLING AND RECOVERY	
R1	Direct recovery of energy from waste
R2	Direct recovery of raw material from waste
R3	Regeneration or rejuvenation of waste (solvents, carbons, acids & alkalis)
R4	Recycling of organic substances
R5	Recycling of metals and metal compounds
R6	Recycling of other inorganic materials
Treatment (treatment not for the purposes of disposal)	

T1	Biological treatment (e.g. biodegradation, composting, biogas generation)
T2	Physical treatment
T3	Chemical treatment
T4	Thermal treatment (incineration, pyrolysis, etc.)
Disposal	
D1	Disposal of waste to land (e.g. specially engineered landfill)
D2	Disposal of waste to landfill (e.g. non-engineered landfill)
D3	Storage/disposal of waste in surface impoundments (e.g. placement of liquid or sludge discards into pits, ponds, lagoons etc.)
D4	Permanent storage (stabilization, micro-encapsulation, macro-encapsulation)